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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/032,872 | 12/26/2001 | Dennis Boyd | 26422/20650 | 7442 |
| 29493 | 7590 | 11/25/2005 | EXAMINER | |
| HUSCH & EPPENBERGER, LLC 190 CARONDELET PLAZA SUITE 600 ST. LOUIS, MO 63105-3441 | | | LAVINDER, JACK W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3677 | |

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/032,872 | Applicant(s) BOYD, DENNIS | |
| | Examiner Jack W. Lavinder | Art Unit 3677 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1 and 4-14 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Corbett, 4225989 in view of Chen, 5711041.

Regarding claim 1, Corbett discloses a first inflatable compartment (14) having a first layer, a second layer, a strip extending from the first layer to the second layer such that the strip defines substantially vertically extending sides (reference numeral 12 points to the vertical sidewall) defining a height of the first inflatable compartment, and a periphery defining a length and a width, said strip forming an air-impervious wall of the first inflatable compartment; a second inflatable compartment (16) having at least one additional layer (18) and extending generally said length and width of said periphery, said second inflatable compartment being tufted (24, 26), said second inflatable compartment having a vertical extent substantially less than the height of the first inflatable compartment; and a perimeter seal (reference numeral points just to the left of the perimeter seal) connecting said first inflatable compartment to said second inflatable compartment, wherein said perimeter seal is recessed from said periphery; wherein said second layer forms a boundary surface between said

first inflatable compartment and said second inflatable compartment and contains a plurality of fluid communication channels (28) between said first compartment and said second compartment, said fluid communication channels providing fluid communication between the first and second inflatable compartments to enable fluid in one of the first and second inflatable compartments to flow into the other of the first and second inflatable compartments.

Corbett fails to disclose "substantially straight, vertically extending sides." Chen discloses "substantially straight, vertically extending sides" (16) on an inflatable air mattress. This wall performs the same function equally as well as Corbett's wall. It would have been an obvious design choice to use the "substantially straight, vertically extending sides" in Corbett's mattress to improve the appearance of the mattress.

Regarding claim 5, Corbett discloses a plurality of attachments (36).

Regarding claim 8, Corbett discloses a valve (45) between the first and second compartment.

3. Claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Corbett, 4225989 in view of Chen, 5711041 and Balaton, 5044030.

Corbett discloses a continuous serpentine seal forming the tufted compartments (24, 26). Corbett fails to disclose a plurality of discontinuous seals.

Balaton discloses a plurality of discontinuous seals forming the tufted compartments. Balaton's seals perform the same function as Corbett's

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serpentine seal, i.e., effectively forms the tufted compartments. Therefore, it would have been an obvious design choice to form Corbett's tufted compartments with a plurality of discontinuous seals in order to improve or change the appearance of the mattress top.

4. Claims 6 and 7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Corbett, 4225989 in view of Chen, 5711041 and Peck, 4803744.

Corbett in view of Chen fails to disclose a cushioning material in the second compartment.

Peck discloses foam padding (26) disposed in the second compartment. This padding produces a softer layer on the mattress to help prevent the formation of bed sores or blisters on the user of the mattress.

It would have been obvious to a person having ordinary skill in the art to add foam padding to Corbett's second compartment to improve the softness of the mattress.

5. Claims 9 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Corbett, 4225989 in view of Chen, 5711041 and Fisher, 6568011.

Corbett discloses air inlets (30, 32, 34) connected to a valve (45, 46) and a pump for inflating the air mattress.

Fisher discloses air inflation valves (210, 212) in the first compartment of an air mattress. These valves are used to allow versatility in the way the mattress is inflated, i.e., either by a user's mouth or a pump.

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It would have been obvious to a person having ordinary skill in the art to make Corbett's air inlets into air inflation valves in order to increase the versatility in the way the mattress can be inflated.

6. Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Corbett, 4225989 in view of Chen, 5711041 and Fisher, 6568011.

Regarding claim 11, Corbett discloses a first inflatable compartment (14) having a first layer, a second layer, a strip extending from the first layer to the second layer such that the strip defines substantially vertically extending sides (reference numeral 12 points to the vertical sidewall) defining a height of the first inflatable compartment, and a periphery defining a length and a width, said strip forming an air-impervious wall of the first inflatable compartment; a second inflatable compartment (16) having at least one additional layer (18) and extending generally said length and width of said periphery, said second inflatable compartment being tufted (24, 26), said second inflatable compartment having a vertical extent substantially less than the height of the first inflatable compartment; and a perimeter seal (reference numeral points just to the left of the perimeter seal) connecting said first inflatable compartment to said second inflatable compartment, wherein said perimeter seal is recessed from said periphery; wherein said second layer forms a boundary surface between said first inflatable compartment and said second inflatable compartment and contains a plurality of fluid communication channels (28) between said first compartment and said second compartment, said fluid communication channels providing fluid

communication between the first and second inflatable compartments to enable fluid in one of the first and second inflatable compartments to flow into the other of the first and second inflatable compartments.

Corbett fails to disclose "substantially straight, vertically extending sides." Chen discloses "substantially straight, vertically extending sides" (16) on an inflatable air mattress. This wall performs the same function equally as well as Corbett's wall. It would have been an obvious design choice to use the "substantially straight, vertically extending sides" in Corbett's mattress to improve the appearance of the mattress.

Corbett fails to disclose ribs extending from the first layer to the second layer of the first compartment.

Fisher discloses ribs (220) that act as retention members and function to limit the outward expansion of the middle and bottom layers of the lower chamber (col. 5, last three lines).

It would have been obvious to a person having ordinary skill in the art to provide Corbett's mattress with ribs to limit the outward expansion of the middle and bottom layers of the lower chamber.

7. Claim 12 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Corbett, 4225989 in view of Chen, 5711041, Fisher and Balaton, 5044030.

Corbett discloses a continuous serpentine seal forming the tufted compartments (24, 26). Corbett fails to disclose a plurality of discontinuous seals.

Balaton discloses a plurality of discontinuous seals forming the tufted compartments. Balaton's seals perform the same function as Corbett's serpentine seal, i.e., effectively forms the tufted compartments. Therefore, it would have been an obvious design choice to form Corbett's tufted compartments with a plurality of discontinuous seals in order to improve or change the appearance of the mattress top.

8. Claims 13 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Corbett, 4225989 in view of Chen, 5711041, Fisher and Peck, 4803744.

Corbett in view of Chen fails to disclose a cushioning material in the second compartment.

Peck discloses foam padding (26) disposed in the second compartment. This padding produces a softer layer on the mattress to help prevent the formation of bed sores or blisters on the user of the mattress.

It would have been obvious to a person having ordinary skill in the art to add foam padding to Corbett's second compartment to improve the softness of the mattress.

Allowable Subject Matter

9. Claims 18 and 19 have been allowed.
10. Claim 3 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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11. The terminal disclaimer filed on 10/05/05 disclaiming the terminal portion of any patent granted on this application has been reviewed and is accepted. The terminal disclaimer has been recorded.


Response to Arguments

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack W. Lavinder
Primary Examiner
Art Unit 3677

11/19/05